

REMARKS

Claims 1, 2, 6, 13-20, 22, 26, 27, 30, 36-42, 44, 48, and 54 have been amended. In particular, independent claims 1, 26 and 48 have been amended to incorporate the store organization and item organization features of claims 23, 45 and 55. Claims 12, 21, 23, 25, 43, 45, 47, 51, 53, 55, 56 and 59 are now cancelled. Accordingly, claims 1-11, 13-20, 22, 24, 26-34, 36-42, 44, 46, 48-50, 52-54, and 57-58 remain pending in the present application.

As the ON1 and ON2 references are no longer relied on in the Office Action, whether or not these items are prior art is considered moot.

Regarding the Examiner notes, the term “option” has been replaced by language “a first electronic selection and a second electronic selection” to make clear that a display is provided to a user that presents both electronic selections.

With respect to the Drawings, a new Figs. 3JJ and 3KK are provided in response to the Examiner’s requirement. The basis for these figures is found at paragraphs 6, 9, 12, 64, 70, 72, and 74.

Claims 45, 46 and 58 were rejected under 35 USC 101 as directed to non-statutory subject matter. These claims have been cancelled to obviate this issue. Likewise, the rejection of these claims under 35 USC 112 has been obviated by this cancellation.

Claims 48-54 were rejected under 35 USC 112 relating to apparatus and method elements in the these claims. These claims have been amended to obviate this rejection.

Independent claims 1, 26 and 48 have been amended to incorporate the store organization and item organization features of claims 23, 45 and 55. Claims 12, 23, 45 and 55 were rejected under 35 USC 103 as being unpatentable over Duncan (US 6,934,692) in view of Yehia (US 2002/0147726). This rejection is respectfully traversed and reconsideration thereof is requested. The other rejections of selected claims are traversed, but are moot in view of the amendments to the claims and the claim cancellations.

Each of the claims, as a whole, is directed to a combination for a program product, system and method for creating a display of an electronic order form with specific characteristics. Those characteristics include “causing generation of a display that provides at least a first electronic selection and a second electronic selection to a user, with the first electronic selection to generate an order for an individual store only, and the second electronic selection to generate on a single form an order for a plurality of stores of the buyer,” coupled in the combination with the claim element “program code for displaying, when the second electronic selection is received, a single fulfillment electronic form, with an electronic display interface that presents at least a third electronic selection and a fourth electronic selection, to allow a user to select either a store organization with the third electronic selection or an item organization with the fourth electronic selection for the single fulfillment electronic form,

with the store organization comprising

displaying each of a plurality of different fulfillment sections in the fulfillment electronic order form associated with a different store from a group of stores associated with that buyer system ID and listing in the fulfillment section one or more items ordered for that store and with each different listed item in the fulfillment section having at least one parameter field to be populated, and

with the item organization comprising

displaying each of a plurality of different fulfillment sections in the fulfillment electronic order form associated with a different item ordered and listing in the fulfillment section the group of stores associated with that buyer system ID that are to be supplied with that item and with each different listed item in the fulfillment section having at least one parameter field to be populated.

Duncan discloses an online interactive system for transacting business between multiple buyers and sellers over a network. Duncan discloses nothing about a user interface with the selectable first, second, third and fourth electronic selections presented to a user. The Examiner states that “it would have been obvious to try” to obtain the claims invention.

But the examiner never states why it would be obvious to try, and to solve what problem or recognized need. There is nothing in Duncan that would lead one of ordinary skill in the art to the detailed claims defining the present invention.

Yehia does not make up for this deficiency. Yehia relates to creating, distributing and enforcing business rules. Yehia does not disclose an “electronic selection,” which may comprise a button, icon or other indicator that may be selected by a user to cause a specific action. The Examiner cites paragraph 117 of Yehia for this limitation. However, this paragraph relates to rules for quantities. A manual selection of a display element presented to a user for selection is not a “rule.” There is nothing in Yehia about presenting a display with an electronic selection, much less the organization by stores associated with a single buyer system ID.

Additionally, one of ordinary skill in the art would not be led by anything in either reference or in the art to motivate a combination of a reference for an online interactive system (Duncan) with a business rules system (Yehia) to obtain applicants’ claimed system and method.

To summarize, the references do not relate to creating an ordering interface for a single buyer to order for multiple locations that it controls. Likewise, there is nothing in the references to allow this buyer interface to be selectable between an organization by stores controlled by a given buyer or by items purchased by the individual stores controlled by the given buyer. Thus, the claims are patentable and early passage to issue is requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By _____



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